



Community Treatment Orders (CTO)

Information for patients on applications or referrals before the First-tier Tribunal (Mental Health)

What is a tribunal?

An independent judicial body that considers whether a Community Patient needs to be subject to a Community Treatment Order (CTO).

It consists of a legally qualified judge, a psychiatrist and a third member with knowledge and experience of people who have mental health difficulties.

What is a Community Patient under a CTO?

A patient who has been discharged from hospital into the community, on a Community Treatment Order, but who can be recalled back to hospital by their psychiatrist.

Can the tribunal send me back to hospital for treatment?

No. The tribunal has no power to send you back to hospital.

Can my psychiatrist send me back to hospital?

Yes. While the CTO is in place, your psychiatrist can recall you back to hospital if she or he considers this to be necessary.

Why do some Community Patients apply to the tribunal?

Some patients don't think they should be liable to recall, so they ask the tribunal to discharge the CTO.

If the CTO is discharged, the patient is no longer liable to recall to hospital by their psychiatrist.

I'm happy on my CTO, so why does there have to be a tribunal hearing?

The law states that if six months have passed since you were first detained and the tribunal has not reviewed the case in that time, then your case must be referred to a tribunal.

Your case will also be referred at three year intervals if you make no application.

If you are aged 18 or over, then you can decide that you do not wish to attend or be represented at a referral hearing. You should inform the tribunal in writing that this is your decision; the tribunal can then decide your case by reading the reports. There is a specific form for you to use to do this, which you or your representative can send in, please see leaflet T128 'Options for your Tribunal Referral Hearing'.

How long will it be before a hearing takes place?

Usually seven to 10 weeks after the application or referral is received by the tribunal office.

If I make an application, or my case is referred, what will happen next?

The tribunal office will acknowledge receipt of your application and send you information regarding the options available for your referral hearing. You should confirm your preference with the tribunal office by the date they have given. You might want to discuss this with your representative before returning the reply slip. Please note if you want your Community Treatment Order to be discharged you should attend the hearing.

The tribunal will ask for reports from your psychiatrist, and from the team responsible for providing your care in the community.

Do I have to go back to a hospital for my hearing?

Sometimes we can arrange a hearing away from the hospital.

Usually, however, the hearing is in a hospital because hospitals are able to provide an appropriate private room for the hearing to take place.

We try to make sure that the hearing is held somewhere convenient for the patient, their family, and witnesses.

How long will the hearing take?

Every case is different and we will spend as long on your case as we have to, in order to ensure that the tribunal deals with your case fairly and justly.

Unless the case is particularly complicated, we will generally set aside about an hour for the hearing itself.

What does the tribunal need to consider?

The tribunal must direct your discharge from the CTO if it is not satisfied as to any one of the following points:

- You are suffering from a mental disorder of a nature or degree which makes it appropriate for you to receive medical treatment;

- It is necessary for your health or safety or for the protection of other persons that you should receive such treatment;
- It is necessary that your psychiatrist should be able to exercise the power to recall you to hospital;
- Appropriate medical treatment is available for you.

The supervising hospital must satisfy the tribunal of all the above points. If they don't do so, your CTO must be discharged.

Representation and support

You can instruct a solicitor to advise and represent you at the hearing, and this may be free of charge. Your hospital or Care Coordinator should have access to a list of solicitors in your area who specialise in mental health law.

Alternatively, you may choose to be represented by someone who is not legally qualified, as long as they are not a patient also subject to the Mental Health Act.

You may bring a friend or relative to support you at the hearing.

It is very important to ask for help as soon as possible because most patients want their cases to be heard without delay, and the tribunal likes to deal with cases promptly, without having to adjourn.

What happens at the hearing?

The hearing is nearly always in private.

Written medical and social circumstances reports will be provided to the tribunal members, and to you or your representative, on the day of the hearing, if not before.

The tribunal will hear evidence from relevant witnesses. You and your representative (if you have one) will have a chance to speak to the tribunal and any other witnesses attending on your behalf may also be given an opportunity to speak.

What happens if I don't attend the hearing?

If you don't attend, the tribunal may decide to go ahead. The tribunal will then decide your case on the basis of the reports, the witnesses attending, and any other evidence it has before it.

When will I hear the result?

The tribunal will arrange for you to be told as soon as possible, which is usually on the day of the hearing itself, if you attend.

You will be sent a copy of the tribunal's written decision, usually within a week, even if you attended.

Can I appeal against a tribunal decision?

In certain circumstances you can ask for permission to appeal against the decision made by the tribunal, or to have the decision reviewed.

These rights will be explained in writing and will be forwarded to you along with the written decision from the tribunal.

Further Information

Guidance and further information is available on the tribunal website:
www.justice.gov.uk/tribunals/mental-health

Or you can contact the Customer Service Team at:

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First-tier Tribunal (Mental Health)
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